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WFO 143

OCT. 2, 1945

DEPARTMENT OF AGRICULTURE

U. S. DEPARTMENT OF AGRICULTURE

[WFO 143]

PART 1405—FRUITS AND VEGETABLES

APPLES

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of apples for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.58. *Restrictions with respect to apples*—(a) *Definitions*. (1) "Apples" means whole, fresh apples of any or all strains of: (i) the Winesap or Delicious (except Golden Delicious) varieties of C grade, or higher grades, and of 216 size, or larger sizes, grown in the Wenatchee-Okanogan District or in that part of the Yakima-Hood River District situated in Washington, and which apples are located in either Washington or Oregon; or (ii) the Winesap, Newtown, or Delicious (except Golden Delicious) varieties of C grade, or higher grades, and of 216 size, or larger sizes, grown in that part of the Yakima-Hood River District situated in Oregon, and which apples are located in either Oregon or Washington. This definition does not, however, apply to the word "apples" as used the first two times in (c) of this order.

(2) "C grade, or higher grades," means (i) with respect to apples grown in Washington, those which meet the minimum requirements of the C grade, or higher grades, of apples as specified in the "Washington Standards for Apples" promulgated in May 1939, and (ii) with respect to apples grown in Oregon, those which meet the minimum requirements of the C grade, or higher grades, of apples as specified in the "Oregon Standards for Apples" promulgated on July 28, 1937, and reissued on July 31, 1941.

(3) "Fancy grade, or higher grades," means (i) with respect to apples grown in Washington, those which meet the minimum requirements of the fancy grade, or higher grades, of apples as specified in the "Washington Standards for Apples" promulgated in May 1939, and (ii) with respect to apples grown in Oregon, those which meet the minimum requirements of the fancy grade, or higher grades, of apples as specified in the "Oregon Standards for Apples" promulgated on July 28, 1937, and reissued on July 31, 1941.

(4) "Size" means the size as determined by the number of apples of fairly uniform size which are customarily wrapped and place-packed in a closed container, the inside measurements of which are 18 inches in length, 11½ inches in width, and 10½ inches in depth.

(5) "Handler" means any person who ships apples, or who is engaged in shipping, marketing, consigning, or dealing in apples, either in person, or as or through an agent, broker, representative, or otherwise, but does not include any person acting only in his capacity as a grower in delivering from his orchard to the place where the fruit is first pre-

pared for market, or delivery by such person to or for transportation to a processor.

(6) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(7) "Assistant Administrator" means the Assistant Administrator for Regulatory and Marketing Service matters, Production and Marketing Administration, United States Department of Agriculture.

(8) "Governmental agency" means (i) the Army, Navy, Marine Corps, or Coast Guard of the United States (excluding, for the purposes of this order, United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, and other similar organizations); (ii) the War Shipping Administration; (iii) the United States Department of Agriculture (including, but not limited to, any corporate agency thereof); and (iv) any other agency or instrumentality of the United States designated by the Assistant Administrator.

(9) "Wenatchee-Okanogan District" includes the Counties of Chelan, Okanogan, Douglas, Grant, and that part of Kittitas County which is commonly known as "West Bar," all in Washington.

(10) "Yakima-Hood River District" includes the Counties of Yakima, Benton, Klickitat, Skamania, and that portion of Kittitas County which is not included in the "Wenatchee-Okanogan District," all in Washington; and such term also includes the Counties of Hood River and Wasco in Oregon.

(b) *Restrictions*. (1) No handler shall purchase, or sell, contract to sell, ship, or deliver any one of the specified varieties of apples to any person except on condition that he sets aside and thereafter holds for sale and delivery to a governmental agency, a quantity of apples, in the aggregate, of the fancy grade, or higher grades, and of sizes from 100 to 163, inclusive, equivalent to 25 percent of the total quantity of the apples of such variety which he owns or controls at the effective time of this order and of which he acquires ownership or control after the effective time of this order. Notwithstanding the size restriction contained in the preceding sentence, any handler may substitute in the quantity of Winesap apples set aside, not to exceed 10 percent of sizes 175 or 180 of the fancy or higher grades. When the requisite quantity of apples in any lot owned or controlled by any first handler has been set aside, the remainder of such apples shall thereafter, even in the hands of a subsequent handler, be free from all set-aside restrictions and computations. The restrictions set forth in (b) (1) hereof shall not apply to any handler so long as the total quantity of apples which he owns or controls at the effective time of this order and those of which he acquires ownership or control thereafter does not exceed 500 bushels.

(2) Except as may be permitted by other provisions of this order, no handler

shall sell or deliver apples which have been set aside, pursuant to the provisions of this order, except to a governmental agency, and such apples shall be packed in a manner acceptable to the governmental agency.

(c) *Credits*. In the event a handler sells to a governmental agency a lot of apples of varieties other than those required to be set aside by the provisions of this order, such handler may obtain credit, subject to verification by the Deputy Order Administrator for the district (Wenatchee-Okanogan or Yakima-Hood River, as the case may be) where such apples were grown, for such lot against his set-aside quantity of apples of the Delicious variety by giving written notice to the said Deputy Order Administrator of the date of the shipment, the purchase order number, the car initials and number, or other shipment identification acceptable to such Deputy Order Administrator, and the number of the boxes of each variety of such lot.

(d) *Releases*. (1) The Assistant Administrator may, if he deems that such action will tend to effectuate the purposes of this order, issue a written release for any lot of apples which has been set aside pursuant to the provisions of this order.

(2) The Assistant Administrator may, if he determines that such action will tend to effectuate the purposes of this order, issue a general authorization releasing from the set-aside restrictions of this order any variety of apples, or any size or sizes thereof.

(e) *Permits*. (1) No handler shall sell, ship, or deliver to any person, other than a governmental agency, any apples without obtaining a written permit from the Assistant Administrator, and such sale, shipment, or delivery shall be subject to such terms and conditions, if any, as he may specify in such permit. Such a requirement shall not be applicable to any shipment, sale, or delivery of a lot of apples of ten bushels or less.

(2) Before issuing such a permit, the Assistant Administrator may require the applicant handler to furnish information concerning compliance by the applicant handler with the set-aside requirements contained in this order, and the Assistant Administrator shall not issue a permit in any case where he determines that the applicant handler has not complied with such set-aside requirements. However, the issuance of such a permit shall not, in any way, relieve the handler from liability to set aside apples as required by (b), (c), or (d) hereof.

(3) During any period in which permits are required for the sale, shipment, or delivery of apples as set forth in (e) (1) hereof, no handler shall ship or deliver any lot of apples or more than ten bushels unless such apples have been inspected by an authorized representative of the appropriate Federal-State inspection service, or by some other inspection service which has been approved by the Assistant Administrator; and each handler who ships or delivers a lot of apples, as aforesaid, to any person other than a governmental agency shall submit

promptly to the Deputy Administrator for his district a copy of the applicable inspection certificate covering such lot of apples.

(4) The Assistant Administrator may, at any time he determines such action will tend to effectuate the purposes of this order, suspend the operation of the provisions in (e) (1), (2), or (3) hereof for such period or periods as he may deem appropriate.

(f) *Contracts.* The restrictions of this order shall be observed without regard to the rights of creditors, existing contracts, payments made, or to deliveries of apples made prior to the effective date hereof. This order shall not, however, be construed as reducing the quantity of apples which any handler is required to ship, offer, or deliver under any existing contract with a governmental agency.

(g) *Records and reports.* (1) Each person owning or controlling more than 500 bushels of apples on December 1, 1945, shall complete Form No. FDO 143-1 and forward it to the Deputy Order Administrator for his district by December 10, 1945, in which he shall report, among other things, the varieties of apples, and their respective quantities and locations, which are owned or controlled by him on December 1, 1945.

(2) The Assistant Administrator shall be entitled to obtain such additional information from, and to require such additional reports and the keeping of such records by, any handler, as may be necessary or appropriate, in the Assistant Administrator's discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Assistant Administrator may designate) maintain an accurate record of his transactions in apples.

(h) *Audits and inspections.* The Assistant Administrator shall be entitled

to make such audits or inspections of the books, records and other writings, premises, or stocks of apples, of any handler, and to make such investigations, as may be necessary or appropriate, in the Assistant Administrator's discretion, to the enforcement or administration of the provisions of this order.

(i) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, War Food Order No. 143, Fruit and Vegetable Branch, Production and Marketing Administration, Washington 25, D. C. Petitions for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Assistant Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Assistant Administrator. The Assistant Administrator may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of (i) hereof shall not be construed to deprive the Assistant Administrator of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Assistant Administrator may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(j) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using apples. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under

any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(k) *Delegation of authority.* The administration of this order and the powers vested in the Secretary of Agriculture of the United States, insofar as such powers relate to the administration of this order, are hereby delegated to the Assistant Administrator. The Assistant Administrator is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Assistant Administrator to serve as Order Administrator, and another such employee shall be designated by the Assistant Administrator to serve as Alternate Order Administrator, and such other employees as may be necessary shall be designated to serve as Deputy Order Administrators.

(l) *Communications.* Each report required to be filed hereunder and each communication concerning this order shall, unless otherwise provided herein or in instructions issued by the Assistant Administrator, be addressed to the Deputy Order Administrator for the district in which the apples, which are the subject of such report or communication, were grown.

(m) *Effective date.* This order shall become effective at 12:01 a. m., P. s. t., October 3, 1945.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 2d day of October 1945.

[SEAL] CLINTON P. ANDERSON
Secretary of Agriculture.

U. S. Department of Agriculture Summary to WFO-143

In order to meet the requirements of the armed forces and other Government agencies for fresh apples, the U. S. Department of Agriculture today announced a set-aside of Winesap and Delicious apples in the Wenatchee-Okanogan and Yakima areas, and of Winesap, Delicious, and Newtown varieties in the Hood River area.

Under War Food Order 143, effective October 3, 1945, no handler in the three areas who handles a total of 500 or more bushels of Winesap, Delicious or Newtown varieties may purchase, sell, ship, or deliver any of the three varieties unless he sets aside for Government purchase a quantity of such apples of the fancy or higher grades of sizes 100 to 163 inclusive, equivalent to 25 percent of the total quantity of C or higher grades of the 216 and larger sizes of each of the specified varieties which he owns or controls at the effective time of the order and of which he acquires ownership or control thereafter. Any handler

may substitute sizes 175 or 180 in the set-aside apples of the Winesap variety but not to exceed 10 percent. Apples sold to a Government agency must be packed in a manner acceptable to such agency. The Golden Delicious variety is excluded from the set-aside provisions of the order. Release of any lot of set-aside apples not needed by Government agencies is provided for. In the event a handler sells to a Government agency a lot of apples of a variety other than those required to be set aside, upon verification by a deputy order administrator, he may obtain credit for each such sale against his set-aside requirements of the Delicious variety.

In addition to the set-aside provision, WFO 143 prohibits the sale, shipment, or delivery by any person of the specified varieties of apples in lots of more than 10 bushels without a written permit, except to a Government agency. During the period in which the issuance of permits is required, such shipments or deliveries must be inspected by an authorized representative of the Federal State

Inspection Service or some other inspection service approved by the Production and Marketing Administration.

Under the order each person owning or controlling on December 1, 1945, more than 500 bushels of apples as defined in the order, is required to report on Form FDO 143-1 the location and quantity of the specified varieties owned or controlled by him on December 1. The reports must be mailed by each handler to the Deputy Order Administrator for his area. The addresses of the Deputy Order Administrators are 429 Doneen Building, Wenatchee, Washington, or 201 Fruit Exchange Building, Yakima, Washington.

The 1945 apple crop, estimated September 1 at 68,260,000 bushels, is only 55 percent of last year's and but 57 percent of the 10-year average (1934-43). Because of the short supply, particularly in the eastern producing States, a large portion of the requirements of Government agencies must be met from the Washington and Oregon crops where the supply is expected to reach approximately 93 percent of the 10-year average.

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DEPARTMENT OF AGRICULTURE

WFO 143

AMDT. 1
NOV. 8, 1945

[WFO 143, Amdt. 1]

PART 1405—FRUITS AND VEGETABLES

APPLES

War Food Order No. 143 (10 F.R. 12478) is hereby amended as follows:

1. By deleting the provisions of § 1405.58 (a) (1) and inserting, in lieu thereof, the following:

(1) "Apples" means whole, fresh apples of any or all strains of the Winesap, Newtown, or Delicious (except Golden Delicious) varieties of C grade, or higher grades, and of 216 size, or larger sizes, grown in the Wenatchee-Okanogan District or in the Yakima-Hood River District, and which apples are located in either Washington or Oregon. This definition shall not apply to the word "apples" as used the first two times in (c) of this order; and, prior to November 10, 1945, this definition shall not apply to the Newtown variety of apples grown in the Wenatchee-Okanogan District or in that part of the Yakima-Hood River District situated in Washington.

2. By deleting the provisions of § 1405.58 (b) (1) and inserting, in lieu thereof, the following:

(1) No handler shall purchase from, or sell, contract to sell, ship, or deliver to, any person any one of the specified varieties of apples except on condition that such handler sets aside and thereafter holds for sale and delivery to a governmental agency a quantity of apples of such variety, in the aggregate, of the fancy grade, or higher grades, and of sizes from 100 to 163, inclusive, equivalent to 25 percent of the total quantity of the apples of such variety which he owned or controlled on October 3, 1945, and of which he subsequently acquired ownership or control. With respect to apples of the Newtown variety grown in the Wenatchee-Okanogan District or in that part of the Yakima-Hood River

District situated in Washington, the quantity of apples of such variety, in the aggregate, of the fancy grade, or higher grades, of the aforesaid sizes, which such handler is required to set aside and thereafter hold for sale and delivery to a governmental agency, shall be equivalent to 25 percent of the total quantity of such variety which he owned or controlled on November 10, 1945, and of which he subsequently acquired ownership or control. Notwithstanding the size restrictions contained in the preceding sentences, any handler may substitute, in the respective quantities of Winesap apples or Newton apples set aside or required to be set aside by him, not to exceed 20 percent of sizes 175 or 180 of the fancy grade, or higher grades, of the same variety. When the requisite quantity of apples in any lot owned or controlled by any first handler has been set aside, the remainder of such apples shall thereafter, even in the hands of a subsequent handler, be free from all set-aside restrictions and computations. The restrictions set forth in (b) (1) hereof shall not apply to any handler so long as the total quantity of the apples which he owned or controlled on October 3, 1945, and those of which he acquired ownership or control thereafter does not exceed 500 bushels.

3. By deleting the provisions of § 1405.58 (c) and inserting, in lieu thereof, the following:

(c) *Credits*. In the event a handler sells to a governmental agency any quantity of apples of varieties other than those required to be set aside by the provisions of this order, he may obtain credit for such quantity against his set-aside quantity of apples of the Delicious variety. In the event a handler sells to a governmental agency a quantity of apples of fancy grade, or higher grades, of the Winesap or Newtown varieties, of sizes other than those re-

quired to be set aside by the provisions of this order, he may, pursuant hereto, obtain credit for such quantity against his respective set-aside quantity of apples of the Winesap or Newtown variety. The credit provided for by either of the two preceding sentences may be obtained by such handler, subject to verification by the Deputy Order Administrator for the district (Wenatchee-Okanogan or Yakima-Hood River, as the case may be) where such apples were grown, by giving written notice to such Deputy Order Administrator of the date of the shipment, the purchase order number, the car initials and number, or other shipment identification acceptable to such Deputy Order Administrator, and the number of the boxes of each variety.

The provisions of this amendment shall be effective as of 12:01 a. m., P. s. t., November 10, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under the said War Food Order No. 143 prior to the effective time of this amendment, all provisions of the said War Food Order No. 143 in effect prior to the effective time of this amendment shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 8th day of November 1945.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.

U. S. Department of Agriculture,
Summary to WFO-143 Amendment 1.

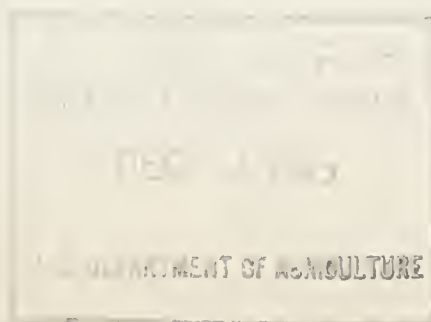
The U. S. Department of Agriculture today amended the apple order, War Food Order 143, increasing from 10 to 20 percent the quantity of sizes 175 or 180 permitted to be substituted in the set-aside of Winesaps and authorizing a like percentage substitution in the Newtowns set-aside.

In addition, today's amendment, No. 1,

effective November 10, 1945, extends the set-aside provision for Newtowns to the Wenatchee-Okanogan District and to that portion of the Yakima-Hood River District in the State of Washington. Under the original order, Newtowns were required to be set-aside only in the Hood River area. The amendment also permits a handler who sells to a Governmental agency a lot of Winesap or Newtown apples of sizes other than those re-

quired to be set-aside to receive credit for such sale against the required set-aside quantity of the respective variety.

In announcing the amendment, USDA officials stated that the adjustment in sizes which handlers are required to set-aside for Government purchase was made because the general run of sizes of both Winesaps and Newtowns in the Yakima and Hood River areas is somewhat below normal this season.



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Reserve

WFO 143

DEPARTMENT OF AGRICULTURE

AMDT. 2
DEC. 20, 1945

[WFO 143, Amdt. 2]

PART 1405—FRUITS AND VEGETABLES

APPLES

War Food Order No. 143, as amended (10 F. R. 12478, 13804), is hereby further amended by deleting the provisions of § 1405.58 (b) (1) and inserting, in lieu thereof, the following:

(1) No handler shall purchase from, or sell, contract to sell, ship, or deliver to, any person any one of the specified varieties of apples except on condition that such handler sets aside and thereafter holds for sale and delivery to a governmental agency a quantity of apples of such variety, in the aggregate, of the fancy grade, or higher grades, and of sizes from 100 to 163, inclusive, equivalent to 25 percent of the total quantity of the apples of such variety which he owned or controlled on October 3, 1945, and of which he subsequently acquired ownership or control. With respect to apples of the Newtown variety grown in the Wenatchee-Okanogan District or in that part of the Yakima-Hood River District situated in Washington, the quantity of apples of such variety, in the

aggregate, of the fancy grade, or higher grades, of the aforesaid sizes, which such handler is required to set aside and thereafter hold for sale and delivery to a governmental agency, shall be equivalent to 25 percent of the total quantity of such variety which he owned or controlled on November 10, 1945, and of which he subsequently acquired ownership or control. Notwithstanding the size restrictions contained in the preceding sentences, any handler may substitute, in the respective quantities of Winesap apples or Newtown apples set aside or required to be set aside by him, not to exceed 25 percent of sizes 175 to 216, inclusive, of the fancy grade, or higher grades, of the same variety, and of such maximum quantity, authorized to be substituted as aforesaid, (i) not more than 30 percent shall be of the sizes 198 to 200, inclusive, and (ii) not more than 30 percent shall be of the size 216. When the requisite quantity of apples in any lot owned or controlled by any first handler has been set aside, the remainder of such apples shall thereafter, even in the hands of a subsequent handler, be free from all set-aside restrictions and

computations. The restrictions set forth in (b) (1) hereof shall not apply to any handler so long as the total quantity of the apples which he owned or controlled on October 3, 1945, and those of which he acquired ownership or control thereafter does not exceed 500 bushels.

The provisions of this amendment shall be effective as of 12:01 a. m., p. s. t., December 22, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under the said War Food Order No. 143, as amended, prior to the effective time of this amendment, all provisions of the said War Food Order No. 143, as amended, in effect prior to the effective time of this amendment shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 20th day of December 1945.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.

U. S. Department of Agriculture
Summary to WFO 143, Amendment 2.

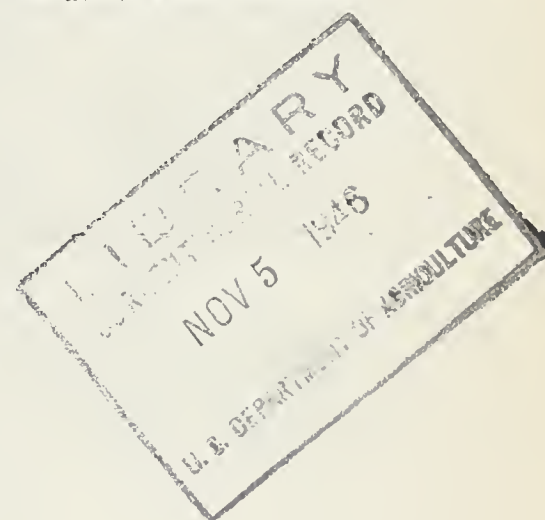
Because both Winesap and Newtown varieties of apples in the Wenatchee-Okanogan, Yakima, and Hood River areas of Washington and Oregon are averaging smaller in size than at first anticipated, the U. S. Department of Agriculture today amended the apple

set-aside order (War Food Order 143) to meet these crop conditions.

Under Amendment 2 to WFO 143, effective December 22, 1945, the quantity of smaller sizes permitted to be substituted for larger sizes in the Winesaps and Newtowns required to be set aside by handlers for Government purchase has been increased from 20 to 25 percent. In addition, today's amendment extends the range of sizes of smaller apples that

may be substituted from the present sizes 175 or 180 to sizes 175 to 216. However, of the maximum quantity authorized to be substituted, not more than 30 percent may be of the sizes 198 to 200, inclusive, and not more than 30 percent may be of the size 216.

The amendment does not increase the total quantity of apples required to be set aside under the order.



DEPARTMENT OF AGRICULTURE

[WFO 143, Amdt. 3]

PART 1405—FRUITS AND VEGETABLES

APPLES

War Food Order No. 143, as amended (10 F.R. 12478, 13804), is hereby further amended as follows:

1. By deleting the provisions of § 1405.58 (a) (1) and inserting, in lieu thereof, the following:

(1) "Apples" means whole, fresh apples of any or all strains of the Winesap or Newtown varieties of C grade, or higher grades, and of 216 size, or larger sizes, grown in the Wenatchee-Okanogan District or in the Yakima-Hood River District, and which apples are located in either Washington or Oregon. Prior to November 10, 1945, this definition shall not apply to the Newtown variety of apples grown in the Wenatchee-Okanogan District or in that part of the Yakima-Hood River District situated in Washington.

2. By deleting the provisions of § 1405.58 (c) and inserting, in lieu thereof, the following:

(c) *Credits.* In the event a handler sells to a governmental agency a quantity of apples of the fancy grade, or higher grades, of the Winesap or Newtown varieties, of sizes other than those required to be set aside by the provisions of this order, he may, pursuant hereto, obtain credit for such quantity against his respective set-aside quantity of apples of the Winesap or Newtown variety. The credit provided for by the preceding sentence may be obtained by such handler, subject to verification by the Deputy Order Administrator for the district (Wenatchee-Okanogan or Yakima-Hood River, as the case may be) where such apples were grown, by giving written notice to such Deputy Order Administrator of the date of the shipment, the purchase order number, the car initials and number, or other shipment identification acceptable to such Deputy Order Administrator, and the number of the boxes of each variety.

It is hereby further ordered that all apples of the Delicious variety which have been set aside pursuant to the provisions of the said War Food Order No. 143, as amended, but not sold or con-

tracted to be sold to a governmental agency (as defined in the said order), at the effective time of this amendment are released from all restrictions of the said War Food Order No. 143, as amended.

The provisions of this amendment shall be effective as of 12:01 a. m., p. s. t., February 15, 1946. With respect to violations, rights accrued liabilities incurred, or appeals taken under the said War Food Order No. 143, as amended, prior to the effective time of this amendment, all provisions of the said War Food Order No. 143, as amended, in effect prior to the effective time of the provisions of this amendment shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 14th day of February 1946.

[SEAL]

J. B. HUTSON,

Acting Secretary of Agriculture.

